

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

HOBIE H. TRIVITTE, Administrator of the )  
Estate of Eleanor Ann Trivitte, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
HEALTHCOMP, INC., et al., )  
 )  
Defendant. )  
\_\_\_\_\_ )

Case No.: C04-3125 PVT

**PRETRIAL CONFERENCE ORDER**

On April 25, 2006, the parties appeared before Magistrate Judge Patricia V. Trumbull for the final pretrial conference. Based on the parties' submissions and the discussions at the pretrial conference,

IT IS HEREBY ORDERED that the court adopts the statements of "Stipulations, Agreed Statement and Undisputed Facts," "Disputed Factual Issues," and "Disputed Legal Issues" set forth in Plaintiff's pretrial conference statement with the following modifications, as discussed at the pretrial conference:

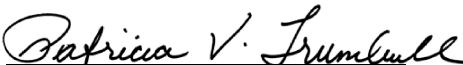
- The date "September 3, 2002." at page 2, line 20 is replaced with the date "September 2, 2002";
- The word "benefits" at page 3, line 6 is replaced with the word "payments";
- The words "and if so, who" are added to the end of Disputed Factual Issue No. 3 (at page 3, lines 10-11);
- Disputed Factual Issue Nos. 9 and 10 (at page 4, lines 4-9) are no longer at issue based on Defendants' waiver of the failure to exhaust argument;

- Disputed Factual Issue Nos. 2 and 9<sup>1</sup> from Defendants' pretrial conference statement shall be added to Plaintiff's Disputed Factual Issues;
- Disputed Legal Issue No. 2<sup>2</sup> from Defendants' pretrial conference statement shall be added to Plaintiff's Disputed Legal Issues.

IT IS FURTHER ORDERED that Plaintiff requested permission to supplement his exhibit list with five additional exhibits, made at the pretrial conference, is granted. The court adopts the parties' respective witness and exhibit lists, without prejudice to objections to admission at trial.

IT IS FURTHER ORDERED that trial will commence at 9:30 a.m. on May 1, 2006. If the trial goes into a second day, it will reconvene at 1:00 p.m. on May 2, 2006.

Dated: 4/26/06

  
 PATRICIA V. TRUMBULL  
 United States Magistrate Judge

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<sup>1</sup> Disputed Factual Issue No. 2 from Defendants' pretrial conference statement reads "Whether HealthComp ever was provided the UB92 or HCFA 1500 forms and the steps taken by HealthComp to obtain those forms." Disputed Factual Issue No. 9 from Defendants' pretrial conference statement reads "Whether HealthComp could process the claims of Eleanor Ann Trivitte without the UB92 or HCFA 1500 forms and the information as to the other potential sources of insurance and/or third party payments."

<sup>2</sup> Disputed Legal Issue No. 2 from Defendants' pretrial conference statement reads "What standard of review is to be applied."